

330

KILLING N O MURDER,

BRIEFLY DISCOURSED
IN THREE QUESTIONS.

By COLONEL TITUS;
Alias WILLIAM ALLEN.

And all the people of the land rejoiced, and the city was quiet, after that they had slain *Athaliah* with the sword.—1 *Chron.* xxiii. 21.

Now after the time that *Amaziah* did turn away from following the Lord, they made a conspiracy against him in *Jerusalem*, and he fled to *Lachish*: But they sent to *Lachish* after him, and slew him there.—2 *Chron.* xxv. 27.

L O N D O N :

(Re-printed in the Year MDCCLXXVII.

THE

OF

AND

IN THE

OF

OF

OF

OF

OF

OF

OF

OF

OF

P R E F A C E

TO THIS EDITION.

THE following remarkable Pamphlet was first published in the year 1657, about the time the question of conferring the regal character on Oliver Cromwell was agitated, under the feigned name of William Allen ; and, if we may credit some well authenticated reports, gave that great usurping Tyrant more terror and anxiety than any thing which ever happened in his life. He is said to have worn a coat of mail under his cloaths ever after ; never to have appeared in public without his body guards, in the choice of which he was very cautious and circumspect ; that he slept not two nights together in the same apartment ; and to have been so far provoked at the attempts of the royalists against his person, as to threaten some desperate means of retaliation. It has likewise been supposed that the uneasiness and perplexity into which this publication threw him, contributed not a little to hasten his end, which happened in the next year, 1658, and thus became the instrument of that justice which it recommends. How far this might produce

A

a fatal

a fatal disorder, or aggravate a slight one, we leave to be determined by those who know what effects deep and violent perturbations of the mind may have upon the bodily constitution.

Notwithstanding Cromwell's great talent in procuring intelligence, and diving into the inmost recesses of his enemies councils, happy for the real author of this pamphlet, he never could discover him ; and perhaps it may not to this day be absolutely certain to whom we are indebted for it. As it was much approved by the cavalier party, it is no wonder that different claims were laid to it after the restoration. Amongst the rest it has been attributed to Col. Edw. Sexby, one of the agitators, and who was a principal promoter of Sindercombe's noted plot to burn Whitehall, and assassinate Cromwell. But it appears that Sexby was originally no more than a private foldier in Oliver's army, and though a zealous republican, yet an illiterate man, and consequently incapable of a production which displays not only a great share of sound reasoning, but of deep reading, and of historical and political knowledge.

A little attention to the history of those times will shew that men of very opposite principles, views and interests, were combined against Cromwell. The resolute and determined behaviour of Sindercombe, upon
his

his tryal and conviction, argue his confidence of support; and the manner of his being found dead in the morning appointed for his execution, gives some ground to suspect Cromwell's apprehension of it. And though the situation of affairs at that time might create an apparently inconsistent union, it can scarcely be thought that any of the tyrannical race of Stuart could approve of principles so diametrically opposite to the infamous measures of their government. The declarations of the brave undaunted Ludlow, even to Cromwell's face *, when he knew his liberty and life to be in the usurper's power; the conduct, writings, and testimony of the immortal Sidney, who has vouchsafed to adopt some of the expressions in this pamphlet; with the sufferings and martyrdom of him and others, under the reign of the succeeding tyrant, shew that the leading patriots of that age were, many of them, not only men of sense and learning, but of decided principle and heroic resolution.

Colonel *Silas Titus*, who is now generally reputed to have been the author of this pamphlet, appears to have been of this truly independent principle; and though he has been represented as a great favourite in the

A 2

courts

* *Vid.* Ludlow's Memoirs, vol. ii.

courts of *Charles II.* and *James II.* § ; yet the following account of him, annexed to a preceding edition of this work, shews him in a different light, at least as a very zealous patriot against popery, and a promoter of the protestant succession.

“ When he was a member of parliament for *Huntingtonshire*, on the 27th of October, 1680, he got Sir *Francis Withins* and others expelled.

“ The 2d of November, he moved the bringing in of the exclusion bill, and spoke warmly against the papists and against the persecution of protestant dissenters.

“ The 10th, he pressingly moved for trying the lords in the Tower, and immediately to begin with *Ld. V. Stafford*.

“ The 13th, spoke against judges discharging of grand juries, when they were presenting the Duke of *York*.

“ The 17th, strenuously opposed granting money for *Tangier*, and said that 430,000 l. had before been misapplied.

“ The 15th of December, he moved the banishment of all eminent *papists* out of the kingdom.

The

“ The 23d, that no member of the house of commons should accept any office or place of profit from the crown, without leave of the house.

“ On the 7th of January, 1681, he declared there could be no safety without the exclusion bill, though it had been rejected by the lords, and that his Majesty should have no supply without he passed the said bill.

“ That no money should be advanced on any of the king's revenues.

“ The 25th of March he moved the repealing the 35th of *Eliz.* against conventicles.”

As the present scarcity of this pamphlet is our sole motive for the republication of it, we make no other apology for presenting the present edition to the public at this time ; secure from the least apprehension of its tendency to injure our present excellent constitution, which is founded in truth, calculated to preserve and defend the dearest rights of mankind, and to abolish every species of tyranny : But if in future times, by the increase of vice and corruption, and the decay of public virtue, another Demagogue, like Cromwell, should in similar circumstances seize the opportunity of deceiving and enslaving these nations, we are
here

here furnished with an effectual remedy, if properly applied ; and therefore it would be wrong to suffer such a light to lie hid under a bushel.

Though the style and expression may be in some parts peculiar to the age in which it was written, yet, as it is in general strong, plain, and intelligible, we have not presumed to alter even a syllable, knowingly, from the copy in our possession.

N.B. The following Postscript was annexed to a former Edition ; but Cromwell's death probably put an end to the design.

POSTSCRIPT.

COURTEOUS READER,

EXPECT another sheet or two of paper on this subject, if I escape the Tyrant's hands, altho' he gets (in the interim) the crown upon his head, which he hath (underhand) put his confederates on to petition his acceptance thereof.

TO HIS HIGHNESS
OLIVER CROMWELL.

May it please your Highness,

HOW I have spent some hours of the leisure your Highness hath been pleased to give me, this following paper will give your Highness an account; how you will please to interpret it I cannot tell, but I can with confidence say, my intention in it is, to procure your Highness that justice no body yet does you, and to let the people see, the longer they defer it, the greater injury they do both themselves and you. To your Highness justly belongs the honour of dying for the people, and it cannot chuse but be an unspeakable consolation to you, in the last moments of your life, to consider with how much benefit to the world you are like to leave it. It is then only (my Lord) the titles you now usurp will be truly your's; you will then be indeed the deliverer of your country, and free it from a bondage little inferior to that from which *Moses* delivered his: You will then be that true reformer, which you would now be thought: Religion

gion shall then be restored, liberty asserted, and parliaments have those privileges they have fought for : We shall then hope that other laws will have place besides those of the sword, and that justice shall be otherwise defined than the will and pleasure of the strongest ; and we shall then hope men will keep oaths again, and not have the necessity of being false and perfidious to preserve themselves, and be like their rulers : All this we hope from your Highness's happy expiration, who are the true father of your country ; for while you live, we can call nothing ours, and it is from your death that we hope for our inheritances ; Let this consideration arm and fortify your Highness's mind against the fears of death, and the terrors of your evil conscience, that the good you will do by your death, will somewhat balance the evils of your Life. And if, in the black catalogue of high malefactors, few can be found that have lived more to the affliction and disturbance of mankind, than your Highness hath done, yet your greatest enemies will not deny, but there are likewise as few that have expired more to the universal benefit of mankind, than your Highness is like to do. To hasten this great good is the chief end of my writing
this

this paper ; and if it have the effects I hope it will, your Highness will quickly be out of the reach of men's malice, and your enemies will only be able to wound you in your memory, which strokes you will not feel. That your Highness may be speedily in this security, is the universal wish of your grateful country ; this is the desire and prayer of the good and of the bad, and it may be, is the only thing wherein all sects and factions do agree in their devotions, and is our only *common prayer*. But amongst all that put in their requests and supplications for your Highness's speedy deliverance from all earthly troubles, none is more assiduous nor more fervent than he, that, with the rest of the nation, hath the honour to be

(May it please your Highness)

Your Highness's present slave and vassal.

W. A.

TO ALL THOSE
Officers and Soldiers of the Army,
that remember their Engagements,
and dare be Honest.

I Heartily wish, for *England's* sake, that your number may be far greater than I fear it is ; and that his Highness's frequent purgations may have left any amongst you, that by these characters are concerned in this dedication. That I and all men have reason to make this a doubt, your own actions, as well as your tame sufferings, do but too plainly manifest. For you that were the champions of our liberty, and to that purpose were raised, are not you become the instruments of our slavery ? And your hands that the people employed to take off the yoke from our necks, are not those the very hands that do now put it on ? Do you remember that you were raised to defend the privileges of parliament, and have sworn to do it ? and will you be employed to force elections, and dissolve parliaments, because they will not establish the tyrant's iniquity and our slavery by a law ? I beseech you,
think

think upon what you have promised, and what you do, and give not posterity, as well as your own generation, the occasion to mention you with infamy, and to curse that unfortunate valour, and success of yours, that only hath gained victories (as you use them) against the commonwealth. Could ever *England* have thought to have seen that army, that was never mentioned without the titles of religious, zealous, faithful, courageous, the fence of her liberty at home, the terror of her enemies abroad, become her gaolers? not her guard, but her oppressors? not her soldiers, but a tyrant's executioners, drawing to blocks and gibbets all that dare be honest than themselves? This you do, and this you are; nor can you ever redeem your own honour, the trust and love of your country, the estimation of brave men, or the prayers of good, if you let not speedily the world see you have been deceived; which they will only then believe, when they see your vengeance upon his faithless head that did it: This, if you defer too long to do, you will find too late to attempt, and your repentance will neither vindicate you, nor help us. To let you see you may do this as a lawful action, and to persuade you to it as a glori-

glorious one, is the principal intention of the following paper ; which, whatever effects it may have upon you, I shall not absolutely fail of my ends ; for if it excites not your virtue and courage, it will yet exprobate your cowardice and baseness. This is from one that was once one amongst you, and will be so again when you dare be as you were.

K I L L I N G
N O
M U R D E R.

IT is not any ambition to be in print, when so few spare paper and the press, nor any instigations of private revenge or malice, (tho' few that dare be honest now want, their causes) that have prevailed with me to make myself the author of a pamphlet, and to disturb that quiet which at present I enjoy, by his highness's great favour and injustice. Nor am I ignorant to how little purpose I shall employ that time and pains, which I shall bestow upon this paper. For to think that any reasons or persuasions of mine, or convictions of their own, shall draw men from any thing wherein they see profit or security, or to any thing wherein they fear loss, or see danger, is to have a better opinion both of myself and them, then either of us deserve.

Besides, the subject itself is of that nature, that I am not only to expect danger from ill men, but censure and disallowance from many that are good; for these opinions only looked upon, not looked into, (which all have not eyes for) will appear bloody and cruel; and these

B

com-

compellations I must expect from those that have a zeal, but not according to knowledge. If therefore I had considered myself, I had spared whatever this is of pains, and not distasted so many, to please so few as are in mankind (the honest and the wise.) But at such a time as this, when GOD is not only exercising us with an usual and common calamity, of letting us fall into slavery that used our liberty so ill; but is pleased so far to blind our understandings, and to debase our spirits, as to suffer us to court our bondage, and to place it among the requests we put up to him; indignation makes a man break that silence that prudence would perswade him to use, if not to work upon other mens minds, yet to ease his own.

A late pamphlet tells us of a great design discovered against the person of his Highness, and of the parliament's coming (for so does that junto prophane that name) to congratulate with his Highness his happy deliverance from that wicked and bloody attempt. Besides this, that they have ordered that GOD Almighty shall be mocked with a day of thanksgiving, (as I think the world is with the Plot) and that the people shall give public thanks for the public calamity, that GOD is yet pleased to continue his judgments upon them, and to frustrate all means that are used for their deliverance. Certainly none will now deny that the *English* are a very thankful people. But I think, if we had read in Scripture that the *Israelites* had cried unto the LORD, not for their own deliverance, but the preservation of their task-masters, and that they had thanked GOD with solemnity,
that

that *Pharoah* was yet living, and that there were still great hopes of the daily increase of the number of their bricks: Tho' that people did so many things, not only impiously and prophanely, but ridiculously and absurdly, yet certainly they did nothing we should more have wondred at, than to have found them ceremoniously thankful to GOD for plagues, that were commonly so brutishly unthankful for mercies; and we should have thought that *Moses* had done them a great deal of wrong, if he had not suffered them to enjoy their slavery, left them to their tasks and garlick.

I can with justice say, my principal intention in this paper is not to declaim against my Lord *Protector* or his accomplices; for were it not more to justify others than to accuse them, I should think their own actions did that work sufficiently, and I should not take pains to tell the world what they knew before; my design is to examine, whether, if there hath been such a plot as we here of, and that it was contrived by Mr *Sindercombe* against my Lord *Protector*, and not by my Lord *Protector* against Mr *Sindercombe* (which is doubtful) whether it deserves those epithets Mr *Speaker* is pleased to give it, of bloody, wicked, and proceeding from the prince of darkness. I know very well how incapable the vulgar are of considering what is extraordinary and singular in every case, and that they judge of things, and name them by their exterior appearances, without penetrating at all into their causes or natures: And, without doubt, when they hear the *Protector* was to be killed, they straight concluded a man was to be murdered, not a male-

malefactor punished; for they think the formalities do always make the things themselves, and that it is the judge and the crier that make the justice, and the goal the criminal. And therefore, when they read in the pamphlet Mr *Speaker's* speech, they certainly think he gives these plotters their right titles; and, as readily as a High Court of Justice, they condemn them, without ever examining whether they would have killed a magistrate, or destroyed a tyrant, over whom every man is naturally a judge and an executioner, and whom the laws of GOD, of nature, and of nations, expose, like beasts of prey, to be destroyed as they are met.

That I may be as plain as I can, I shall first make it a question (which indeed is none) whether my Lord *Protector* be a tyrant or not? *Secondly*, If he be, whether it is lawful to do justice upon him without solemnity, that is, *to kill him*? *Thirdly*, If it be lawful, whether it is likely to prove profitable or noxious to the common wealth?

* The civil law makes tyrants of two sorts; *tyrannus sine titulo* and *tyrannus exercitio*. The one is called a tyrant, because he hath no right to govern; the other because he governs tyrannically. We will briefly discourse of them both, and see whether the *Protector* may not with great justice put in his claim to both titles.

We shall sufficiently demonstrate who they are that have not a right to govern, if we shew who they are that have; and what it is that makes

* *First Question.*

makes the power just, which those that rule have over the natural liberty of other men. To fathers within their private families, nature has given a supreme power. Every man, says *Aristotle* *, of right governs his wife and children; and this power was necessarily exercised § every where, whilst families lived dispersed ||, before the constitution of Commonwealths; and in many places it continued after, as appears by the laws of *Solon*, and the most ancient of those of *Rome*. And indeed, as by the laws of GOD ¶ and nature, the care, defence and support of the family lies upon every man whose it is; so, by the same law, there is due unto every man, from his family, a subjection and obedience, in compensation of that support. But several families uniting themselves together to make up one body of a commonwealth, and being independent one of another, without any natural superiority or obligation, nothing can introduce among them a disparity of rule and subjection, but some power that is over them, which power none can pretend to have but GOD and themselves †: Wherefore all power, which is lawfully exercised over such a society of men, (which, from the end of its institution, we call a commonwealth) must necessarily be derived, either from the appointment of GOD Almighty, who is supreme LORD of all and every part, or from the consent of the society itself, who have the next power to his of disposing of their own liberty

* *Pol. l. i. c. i.*

§ *Gen. xxxiv. 24.*

|| *Arist. Pol. l. i. c. i.*

¶ *1 Tim. v. 8.*

† *Hooker, Eccles. Pol. l. i. c. 10.*

liberty, as they shall think fit, for their own good. This power GOD has given to societies of men, as well as he gave it to particular * persons; and when he interposes not his own authority, and appoints not himself who shall be his vicegerents, and rule under him, he leaves it to none but the people themselves to make the election, whose benefit is the end of all government. Nay, when he himself hath been pleased to appoint rulers for that people, which he was pleased particularly to own, he many times made the choice, but left the confirmation and ratification of that choice, to the people themselves. So *Saul* † was chosen by GOD, and anointed king by his prophet, but made king by all the people at *Gilgal* ‡. *David* was anointed king § by the same prophet; but was afterwards, after *Saul's* death, confirmed by the people of *Judah* ||, and seven years after by the elders of *Israel* |||, the people's deputies, at *Hebron*: and it is observable, that though they knew that *David* was appointed king by GOD, and anointed by his prophet, yet they likewise knew that GOD allowed to themselves, not only his confirmation, but likewise the limitation of his power; for before his inauguration they made a league §§ with him; that is, obliged him by compact to the performance of such conditions as they thought necessary for the securing their liberty. Nor is it less remarkable, that when God gives directions to his people concerning their government,

* *Exod.* xxi. 5.

† *1 Sam.* x. 1.

‡ *1 Sam.* ix. 2.

§ *1 Sam.* xvi. 14.

|| *2 Sam.* ii. 4.

||| *2 Sam.* v. 3.

§§ *2 Sam.* v. 3.

vernment, he plainly leaves the form to themselves: for he says not, when thou shalt have come into the land which the LORD thy GOD gives thee, *statues super te regem*, but *Si * dixeris, statuam*. GOD says not, thou shalt appoint a king over thee, but, if thou shalt say, I will appoint, leaving it to their choice, whether they would say so or no. And it is plain, in that place, that GOD gives the people the choice of their king, for he there instructs them whom they shall chuse, *e medio fratrum tuorum*, one out of the midst of thy brethren; much more might we say, if it were a less manifest truth, that all just power of government is founded upon these two bases, of GOD's immediate command, or the people's consent. And therefore, whosoever arrogates to himself that power, or any part of it, that cannot produce one of these two titles, is not a ruler but an invader, and those that are subject to that power are not governed but oppressed.

This being considered, have not the people of *England* much reason to ask the *Protector* this question? *Quis constituit te virum preincipem & judicem super nos?* Who made thee a prince and a judge over us? If GOD made thee, make it manifest to us: If the people, where did we meet to do it? Who took our subscriptions? To whom deputed we our authority? And when and where did those deputies make the choice? Sure these interrogations are very natural, and, I believe, would much trouble his highness's council and his

* *Deut.* xvii. 14.

his junto to answer. In a word, that I may not tire my reader, (who will not want proofs for what I say, if he wants not memory) if to change the government without the people's consent: If to dissolve their representatives by force, and disannul their acts: if to give the name of the people's representatives to confederates of his own, that he may establish iniquity by a law: If to take away men's lives out of all course of law, by certain murderers of his own appointment, whom he names a *High Court of Justice*: If to decimate mens estates, and by his own power to impose upon the people what taxes he pleases, and to maintain all this by force of arms: If, I say, all this does make a tyrant, his own impudence cannot deny but he is as compleat an one as ever hath been since there have been societies of men. He that hath done, and does all this, is the person for whose preservation the people of *England* must pray; but certainly if they do, it is for the same reason that the old woman of *Syracuse* prayed for the long life of the tyrant *Dionysius*, lest the Devil should come next.

Now, if instead of GOD's command, or the people's consent, his highness hath no other title but force and fraud, which is to want all title: And if to violate all laws, and propose none to rule by, but those of his own will, be to exercise that tyranny he hath usurped, and to make his administration conformable to his claim, then the first question we proposed is a question no longer.

But before we come to the second, being things are more easily perceived and found by

by the description of their *exterior accidents and qualities*, than the defining their essences, it will not be amiss to see, whether his Highness hath not as well the outward marks and characters by which tyrants are known, as he hath their *nature and essential* properties : Whether he hath not the skin of the lion and the tail of the fox, as well as he hath the violence of the one and the deceit of the other. Now in this delineation, which I intend to make of a tyrant, all the lineaments, all the colours will be found so naturally to correspond with the life, that it cannot but be doubted, whether his Highness be the original or the copy ; whether I have, in drawing the tyrant, represented him ; or, in representing him, exprest a tyrant : and therefore, lest I should be suspected to deal unsincerely with his Highness, and not to have applied these following characters, but made them, I shall not give you any of my own stamping, but such as we find in *Plato, Aristotle, Tacitus*, and his Highness's own *Evangelist, Machiavel* *.

1. Almost all tyrants have been first captains and generals for the people, under pretences of vindicating or defending their liberties. *Ut imperium evertant, libertatem præferunt ; cum perverterunt, ipsam aggrediuntur*, says *Tacitus* † : To subvert the present

C

govern-

* *The marks of a tyrant. Arist. Pol. l. 5. c. 10.*
Vid. Mach. Discor. l. 1. c. 40.

† *Ann. lib. 1. Idem, alibi. Caterum libertas & speciosa nomina prætexuntur, nec quisquam alienum servitium & dominationem sibi concupivit, ut non eadem ista vocabula usurparet.*

government, they pretend liberty for the people; when the government is down, they then invade that liberty themselves. This needs no application.

2. Tyrants accomplish their ends much more by fraud than force. Neither virtue nor force (says *Machiavel* *) are so necessary to that purpose, as *una astutia fortunata*, a lucky craft; which says he, † without force, has been often found sufficient, but never force without that. And, in another place, ‡ he tells us their way is, *Aggirare i cervelli de gli huomini con astutia*, &c. With cunning plausible pretences to impose upon mens understandings, and in the end they master those that had so little wit as to rely upon their faith and integrity.

'Tis but necessary to say, that had not his Highness had a faculty to be fluent in his tears, and eloquent in his execrations; had he not had spongy eyes, and a supple conscience, and besides, to do with a people of great faith but little wit; his courage, and the rest of his moral virtues, with the help of his Janizaries, had never been able so far to advance him out of the reach of justice, that we should have need to call for any other hand to remove him, but that of the hangman.

3. They abase all excellent persons, and rid out of the way all that have noble minds, *et terræ filios extollunt*, and advance sons of the earth.

To

* *Mach. Discor. lib. 2. c. 13. Il Princ. c. 9.*

† *Discor. lib. 2. c. 13. ‡ Princ. c. 18.*

To put *Aristotle* * into other words, they purge both parliament and army, till they leave few or none there, that have either honour or conscience, either wit, interest or courage to oppose their designs. And in these purgations, saith *Plato*, † tyrants do quite contrary to physicians; for they purge us of our humours, but tyrants of our spirits.

4. They dare suffer no assemblies, not so much as horse-races.

5. In all places they have their spies and delators; that is, they have their *Fleet-woods*, their *Broghils*, their *St. Johns*, (besides innumerable small spies) to appear discontented, and not to side with them, that, under that disguise, they may get trust, and make discoveries. They likewise have their emissaries to send with forged letters. If any doubt this, let them send to major general *Brown*, and he will satisfy them.

6. They stir not without a guard, nor his Highness without his life-guard.

7. They impoverish the people, that, they may want the power, if they have the will, to attempt any thing against them. His Highness's way is by taxes, excise, decimations, &c.

8. They make war to divert and busy the people ‡: And besides, to have a pretence to raise monies and to make new levies, if they either distrust their old forces, or think them not sufficient §, the war with *Spain* serveth

C 2

his

* *Arist. Pol. lib. 5. c. 11.*

† *Plato de Rep. lib. 8.*

‡ *Arist. Pol. l. 5. c. 11.*

§ *Arist. ibid. & Plato de Rep. lib. 9. Mach. Pr. c. 19.*

Highness to this purpose ; and upon no other justice was it begun at first, or is still continued.

9. They will seem to honour and provide for good men ; that is, if the ministers will be orthodox, and flatter ; if they will wrest and torture the scriptures to prove this government lawful, and furnish him with a title ; his Highness will likewise be then content to understand scripture in their favour, and furnish them with titles.

10. * Things that are odious and distasteful they make others executioners of ; and when the people are discontented, they appease them with sacrificing those ministers they employ. I leave it to his Highness's major-generals to ruminate a little upon this point.

11. † In all things they pretend to be wonderful careful of the public ; to give general accounts of the money they receive, which they pretend to be levied for the maintenance of the state, and the prosecuting of the war. His Highness made an excellent comment upon this place of *Aristotle*, in his speech to this parliament.

12. All things set aside for religious uses they set to sale ; that, while those things last, they may exact the less of the people. The cavaliers

* *Mach. adds, And do grateful things themselves. But that I omit ; for I really am unprovided of an instance for his Highness, as I have not yet heard of any good he hath done himself.*

† *Aristotl. ibid. Plato de Rep. lib. 8. Id. & Plut. passim.*

cavaliers would interpret this of the dean and chapters lands.

13. They pretend inspirations from GOD, and responses from oracles, to authorize what they do; his Highness hath been ever an enthusiast. And as * *Hugh Capet*, in taking the crown, pretended to be admonished to it in a dream by St. *Valery* and St. *Richard*; so I believe will his Highness do the same, at the instigation of St. *Henry* and St. *Richard*, his two sons.

14. *Lastly*, Above all things they pretend a love to GOD and religion. This *Aristotle* calls *Artem tyrannorum potissimam* †; the surest and best of all the arts of tyrants; and we all know his Highness hath found it so by experience. He hath found indeed that in godliness there is great gain; and that preaching and praying, well managed, will obtain other kingdoms as well as that of heaven. His indeed have been pious arms, for he hath conquered most by those of the church, by prayers and † tears. But the truth is, were it not for our honour to be governed by one that can manage both the spiritual and temporal sword, and, *Roman* like, to have our emperor our high-priest, we might have had preaching at a much cheaper rate, and it would have cost us but our tithes, which now costs us all.

Other marks and rules there are mentioned by *Aristotle* to know tyrants by; but they being unsuitable to his Highness's actions, and

* *History of France. lib. 5. c. 11.* † *Arist. Pol.*

† *Preces & lacrymae sunt arma Ecclesiae.*

and impracticable by his temper, I insist not on them. As, among other things, *Aristotle* * would not have a tyrant insolent in his behaviour, nor strike people. But his Highness is naturally cholerick, and must call men rogues, and go to cuffs. At last he concludes, he should so fashion his manners, as neither to be really good, nor absolutely bad, but half one, and half the other. Now, this half-good is too great a proportion for his Highness, and much more than his temper will bear.

But, to speak truths more seriously, and to conclude this first question, certainly, whatever these characters make any man, it cannot be denied but his Highness is; and then, if he be not a tyrant, we must confess we have no definition nor description of a tyrant left us, and may well imagine there is no such thing in nature, and that it is only a notion and a name. But if there be such a beast, and we do at all believe what we see and feel, let us now enquire, according to the method we proposed, whether this be a beast of game that we are to give law to, or a beast of prey, to destroy by all means that are allowable and fair?

† In deciding this question authors very much differ, as far as it concerns supreme magistrates, who degenerate into tyrants. Some think they are to be born with as bad ‡ parents; and place them in the number of those

* *Pol. lib. 5. c. 11.*

† *Whether it be lawful to kill a Tyrant?*

‡ *Ames parentem, si æquus est; si non, feras.*

those mischiefs * that have no other cure but our patience. Others think they may be questioned by that supreme law of the people's safety ; and that they are answerable to the people's representatives for the breach of their trust. But none of sober sense, make private persons judges of their actions ; which were indeed to subvert all government. But, on the other side, I find none, that have not been frightened or corrupted out of their reason, that have been so great enemies to common justice, and the liberty of mankind, as to give any kind of indemnity to an usurper, who can pretend no title, but that of being stronger ; nor challenge the people's obedience upon any other obligation, but that of their necessity and fear. Such a person, as one out of all bounds of human protection, all men make the *Ishmael*†, against whom is every man's hand, as his is against every man. To him they give no more security than *Cain*, his fellow murderer and oppressor, promised to himself, to be destroyed by him that found him first.

The reason why a tyrant's case is particular, and why, in that, every man hath that vengeance given him, which, in other cases, is reserved to GOD and the magistrate, cannot be obscure, if we rightly consider what a tyrant is, what his crimes are, and in what state he stands with the commonwealth, and with every member of it. And certainly, if we find him an enemy to all human society,

and

* *Sicut sterilitatem, aut nimias imbrés, &c. Tacit.*

† *Gen. xvi. 12.*

and a subverter of all laws, and one that, by the greatness of his villanies, secures himself against all ordinary course of justice, we shall not at all think it strange, if then he have no benefit from human society, no protection from the law, and if, in his case, justice dispenses with her forms. We are therefore to consider, that the end, for which men enter into society, is not barely to live, which they may do dispersed, as other animals; but to live happily, and a life answerable to the dignity and excellency of their kind. Out of society this happiness is not to be had, for singly we are impotent and defective, unable to procure those things that are either of necessity or ornament for our lives; and as unable to defend and keep them when they are acquired. To remedy these defects we associate together; that what we can neither enjoy nor keep singly, by mutual benefits and assistances, one of another, we may be able to do both. We cannot possibly accomplish these ends, if we submit not our passions and appetites to the laws of reason and justice; for the depravity of man's will makes him as unfit to live in society, as his necessity makes him unable to live out of it. And if that perverseness be not regulated by laws, mens appetites to the same things, their avarice, their lust, their ambition would quickly make society as unsafe, or more, than solitude itself, and we should associate only to be nearer our misery and our ruin. That therefore, by which we accomplish the ends of a sociable life, is our subjection and submission to laws; these are the nerves and
finews

finews of every society or commonwealth, without which they must necessarily dissolve and fall asunder. And indeed as *Augustine* says, * those societies, where law and justice is not, are not commonwealths nor kingdoms, but *magna latrocinia*, great confederacies of thieves and robbers. Those therefore, that submit to no law, are not to be reputed in the society of mankind, which cannot consist without a law. Therefore *Aristotle* † saith, tyranny is against the law of nature; that is, the law of human society, in which human nature is preserved. For this reason they deny a tyrant to be *partem civitatis*; for every part is subject to the whole: And a citizen, says the same author ‡, is he who is as well obliged to the duty of obeying, as he is capable of the power of commanding. And indeed he does obey whilst he does command; that is, he obeys the laws, which, says *Tully*, *magistratibus præsumt, ut magistratus præsumt populo*, are above the magistrates, as the magistrates are above the people. And therefore a tyrant, that submits to no law, but whose will and lust are the law by which he governs himself and others, is no magistrate, no citizen, nor member of any society, but an ulcer and a disease that destroys it; and, if it be rightly considered, a commonwealth, by falling into a tyranny, absolutely loses that name, and is actually another thing: *Non est civitas quæ unius est viri*, says *Sophocles*; that which is one man's is no

D

city.

* *De Civit, Dei.*† *Pol. lib. 3. c. 12.*‡ *Ibid. 18.*

city. For there is no longer king and people, or parliament and people; but those names are changed, at least their natures, into masters and servants, lord and slaves: And *servorum non civitas erit, sed magna familia*, says *Grotius*, * where all are slaves, it is not a city but a great family. And the truth is, we are all members of *Whitehall*, and when our master pleaseth, he may send for us thither, and there bore through our ears at the door-posts. But, to conclude; a tyrant, as we have said, being no part of a commonwealth, nor submitting to the laws of it, but making himself above all law, there is no reason he should have the protection that is due to a member of a commonwealth, nor any defence from laws, that does acknowledge none. He is therefore in all reason to be reckoned in the number of those savage beasts, that fall not with others into any herd, that have no other defence but their own strength, making a prey of all that's weaker, and, by the same justice, being a prey to all that's stronger than themselves.

In the *next* place, let it be considered, that a tyrant, making himself above all law, and defending his injustice by a strength which no power of magistrates is able to oppose, he becomes above all punishment. above all other justice, than that he receives from the stroke of some generous hand. And certainly the safety of mankind were but ill provided for, if there were no kind of justice to reach
great

* *De jur. bel. lib. 3. c. 8.*

great villanies, but tyrants should be *inmunitate scelerum tuti*, secured by the greatness of their crimes. Our laws would be then but cobwebs indeed, made only to catch flies, but not to hold wasps or hornets: And it might be then said of all commonwealths, what was said of *Athens*, there only small thieves were hanged, but the great ones were free, and condemned the rest. But he that will secure himself of all hands, must know he secures himself from none. He that flies justice in the court, must expect to find it in the street: And he that goes armed against every man, arms every man against himself. *Bellum est in eos qui judiciis coerceri non possunt*, says *Cicero*; we have war with those against whom we can have no law. The same author, *Cum duo sint decertandi genera*, &c. there being two ways of deciding differences; the one by judgement and arbitration, the other by force; the one proper to men, the other to beasts; we must have recourse to the latter when the former cannot be obtained. And certainly, by the law of nature *ubi cessat judicium*, * when no justice can be had, every man may be his own magistrate, and do justice for himself. For the law, says *Grotius*, that forbids me to pursue my right, but by a course of law, certainly supposes, *ubi copia est judicii*, where law and justice is to be had; otherwise that law were a defence for injuries, not one against them; and quite contrary to the nature of all laws, would become the protection

* *Grot. de jure Bel. lib. I. c. 8.*

tection of the guilty against the innocent, not of the innocent against the guilty. Now as it is contrary to * the laws of GOD and Nature, that men, who are partial to themselves, and therefore unjust to others, should be their own judges, where others may be had; so it is as contrary to the law of Nature, and the common safety of mankind, that, when the law can have no place, men should be forbidden to repel force by force, and so be left without all defence and remedy against injuries. GOD himself left not the slave without remedy against the cruel master §. And what analogy can it hold with reason, that the slave, that is but his master's money, and but part of his household-stuff, should find redress against the injuries and insolence of an imperious master; and a free people, who have no superior but their GOD, should have none at all against the injustice and oppression of a barbarous tyrant? And were not the incongruity fully as great, that the law of GOD permitted every man to kill a thief †, if he took him breaking open his house in the night; because then it might be supposed he could not bring him to justice; but a tyrant, that is the common robber of mankind, and whom no law can take hold on, his person should be *sacrofanct*, *cui nihil sacrum aut sanctum*, to whom nothing is sacred, nothing inviolable? But the vulgar judge ridiculously, like themselves. The glister of things dazzles their eyes, and they judge of them by their appearances, and the colours that are put on them. For what can be

* Deut. xvii. § Exod. xxi. † Exod. xxii. 2.

be more absurd in nature, and contrary to all common sense, than to call him thief, and kill him, that comes alone, or with a few, to rob me; and to call him Lord *Protector*, and obey him, that robs me with regiments and troops? As if to rove with two or three ships were to be a pyrate, but with fifty an admiral? But if it be the number of adherents only, not the cause, that makes the difference between a robber and a protector, I wish that number were defined, that we might know where the thief ends, and the prince begins; and be able to distinguish between a robbery and a tax. But sure no *Englishman* can be ignorant, that it is his birth-right to be master of his own estate; and that none can command any part of it, but by his own grant and consent, either made expressly by himself, or virtually by a parliament. All other ways are mere robberies in other names. *Auferre, trucidare, rapere, falsis nominibus imperium, atque ubi solitudinem faciunt, pacem appellant* *: To rob, to extort, to murder, tyrants falsely call to govern; and to make desolation, they call to settle peace: In every assessment we are robbed, the excise is robbery, the customs robbery, and, without doubt, whenever it is prudent, it is always lawful to kill the thieves, whom we can bring to no other justice; and not only lawful, and to do ourselves right, but glorious, and to deserve of mankind, to free the world of that common robber, that universal pyrate, under whom, and for whom, the lesser beasts prey. The fire-brand I would have any way extinguished:

This

* *Tacit. in Vit. Agric.*

This ulcer I would have any hand to lance. And I cannot doubt but GOD will suddenly sanctify some hand to do it, and bring down that bloody and deceitful man, who lives not only to the misery, but the infamy of our nation.

I should have reason to be much less confident of the justice of this opinion, if it were new, and only grounded upon collections and interpretations of my own. But herein if I am deceived, I shall however have the excuse to have been drawn into that error by the examples that are left us by the greatest and most virtuous, and the opinions of the wisest and gravest men that have left their memories to posterity. Out of the great plenty of confirmations I could bring for this opinion, from examples and authorities, I shall select a very few; for manifest truths have no need of those supports, and I have as little mind to tire myself as my reader.

First, Therefore an usurper, that only by force possesseth himself of government, and by force only keeps it, is yet in a state of war with every man, says the learned *Grotius* *: And therefore every thing is lawful against him, that is lawful against an open enemy, whom every private man hath a right to kill †. *Hostis hostem occidere volui*, says *Scævolato Porfenna*, when he was taken, after he had failed in his attempt to kill him; I am an enemy, and an enemy I would have killed, which every man hath a right to do.

Contra publicos hostes, & majestatis reos,
omnis

* *Grot. De jure Bell. lib. 1. c. 4.*

† *Luc. lib. 2.*

omnis homo miles est, (says *Tertullian*) against common enemies, and those that are traitors to the commonwealth, every man is a soldier. This opinion the most celebrated nations have approved both by their laws and practices. The *Grecians*, (as *Xenophon* tells us) who suffered not murderers to come into their temples, in those very temples they erected statues to those that killed tyrants: thinking it fit to place their deliverers amongst their gods. *Cicero* was an eye-witness of the honours that were done such men. *Græci homines*, &c. * The *Greeks* (saith he) attribute the honours of the gods to those that kill tyrants: What have I seen in *Athens* and other cities of *Greece*? What religion paid to such men! What songs! What elogies! By which they are consecrated to immortality, and almost deified! In *Athens*, by *Solon's* law, death † was not only decreed for the tyrant that oppressed the state, but for all those that took any charge, ‡ or did bear any office while the tyrant remained. And *Plato* § tells us the ordinary course they took with tyrants in *Greece*. If (says he) the tyrant cannot be expelled by accusing him to the citizens, then by secret practices they dispatch him.

Amongst the *Romans* the *Valerian Law* was, || *Si quis injussu populi*, &c. Whosoever took magistracy upon him, without the command of the people, it was lawful for
any

* *Pro Milone.*

† *Plut in Solon.*

‡ *Let his highness's junto mark this.*
Repub. lib 8.

|| *In Public.*

for any man to kill him. *Plutarch* makes this law more severe *. *Ut injudicatum occidere eum liceret, qui dominatum concupisceret*; that it was lawful, by that law, before any judgement past, to kill him that but aspired to tyranny. Likewise the consular law, which was made after the suppression of the tyranny of the *Decemvirate*, made it lawful to kill any man that went about to create magistrates, *sine provocatione*, &c. without reference and appeal to the people. By these laws, and innumerable testimonies of authors, it appears, that the *Romans*, with the rest of their philosophy, had learned from the *Grecians* what was the natural remedy against a tyrant: Nor did they honour these less that durst apply it; who, as *Polybius* says, (speaking of conspiracies against tyrants) were not † *detrimenti civium, sed generosissimi quique, & maximi animi*: not the worst and meanest of the citizens, but the most generous, and those of greatest virtue. So were most of those that conspired against *Julius Cæsar*. He himself thought *Brutus* worthy to succeed him in the empire of the world: and *Cicero*, who had the title of *Pater Patriæ*, if he were not conscious of the design, yet he at least affected the honour of being thought so. ‡ *Quæ enim res unquam, &c.* What act (says he) O *Jupiter*, more glorious! more worthy of eternal memory, hath been done, not only in this city, but in the whole world! In this design, as the *Trojan* horse, I willingly suffer myself to be included with the
the

* *In Public.*† *Hist. lib. 6.*‡ *Philip 2.*

the princes. In the same place he tells us what all virtuous *Romans* thought of the fact as well as he. *Omnes boni, quantum in ipsis fuit, Cæsarem occiderunt; aliis consilium, aliis animus, aliis occasio defuit, voluntas nemini.* All good men (says he) as much as lay in them, killed *Cæsar*; some wanted capacity, some courage, others opportunity, but none the will to do it. But yet we have not declared the extent of their severity against a tyrant. They exposed him to fraud as well as force, and left him no security in oaths and compacts, that neither law nor religion might defend him that violated both. *Cum tyranno Romanis nulla fides, nulla jurisjurandi Religio,* faith *Brutus* in *Appian* *. With a tyrant the *Romans* think no faith to be kept, no religion of an oath. *Seneca* gives the reason, *Quia quicquid erat, quo mihi cohereret, &c.* † For whatever there was of mutual obligation betwixt us, his destroying the laws of human society hath dissolved: So these that thought that there was *in hostem nefas* ‡, that a villany might be committed against an enemy: These that profess § *non minus juste quam fortiter arma gerere*, to manage their arms with justice as well as courage: ¶ These that || thought faith was to be kept even with the perfidious, ¶ yet they thought a tyrant could receive no injustice, but to be let live; and that the most lawful way to destroy him was the readiest, no matter whether by force or fraud; for against beasts of prey men

E

use

* *Appian lib. 7.*† *Senec. de Benef.*‡ *Sen.*§ *Id.*|| *Saul of.*¶ *Regulus qui longum semper fama, &c.*

use the toil and the net, as well as the spear and the lance. But so great was their detestation of a tyrant, that it made some take their opinion from their passions, and vent things which they could but ill justify to their morality: They thought * a tyrant had so absolutely forfeited all title to humanity, and all kind of protection they could give him or his, that † they left his wife without any other guard for her chastity, but age and deformity, and thought it not adultery what was committed with her. Many more testimonies might I bring, for it is harder to make choice than to find plenty; but I shall conclude with authorities which are much more authentic, and examples we may much more safely imitate.

The law of GOD itself decreed certain ‡ death to that man that would do presumptuously, and submit to no decision of justice. Who can read this, and think a tyrant ought to live? But certainly neither that, nor any other law, were to any effect, if there were no way to put it in execution. But, in a tyrant's case, process and citation have no place; and, if we will only have formal remedies against him, we are sure to have none. There are small hopes of justice, where the malefactor hath a power to condemn the judge.

All remedy therefore against a tyrant is *Ehud's* dagger, without which all our laws were fruitless, and we helpless. This is that high court of justice whereunto *Moses* brought the *Egyptian*:

* *Sen. in Excerpt. 4.7.* † *Mich. Ephes. ad 5. Nich.*
‡ *Utique morietur vir ille. Deut. xvii 12.*

Egyptian : Whither *Ehud* brought *Eglon* : *Sampson* the *Philistines* : *Samuel Agag* : And *Jehoiada* the she-tyrant *Athalia*.

Let us a little consider, in particular, these several examples, and see whether they may be proportioned to our purpose.

First, As to the case of *Moses* and the *Egyptian*, certainly every *Englishman* hath as much call as *Moses*, and more cause than he, to slay this *Egyptian*, that is always laying on * *Burdens*, and always smiting both our brethren and ourselves. For as to his call, he had no other, that we read of, but the necessity his brother stood in of his help. He looked on his *brethren's burdens*, and seeing an *Egyptian smiting an Hebrew*, knowing he was out of the reach of all other kind of justice, he slew him. Certainly this was, and is, as lawful for any man to do, as it was for *Moses*, who was then but a private man, and had no authority for what he did, but what the law of nature gives every man, to oppose force to force, and to make justice where he finds none. As to the cause of that action, we have much more to say than *Moses* had : he saw one *Hebrew* smitten, we many *Englishmen* murdered ; he saw his brethren's burdens and their blows ; we our brethren's burdens, imprisonments and deaths. Now sure if it were lawful for *Moses* to kill that *Egyptian* that oppressed one man, being there was no way to procure an ordinary course of justice against him, it cannot but be absurd to

E 2

think

* *Exod.* ii. 11, 12.

think it unlawful to kill him *, that oppresses a whole nation, and one that justice as little reaches as it defends.

The example of *Ehud* shews us the natural and almost the only remedy against a tyrant, and the way to free an oppressed people from the slavery of an insulting *Moabite* †. It is done by prayers and tears, with the help of a dagger; by crying to the Lord, and the left hand of an *Ehud*. Devotion and action go well together; for, believe it, a tyrant is not of that kind of devil that is to be cast out by only fasting and prayer: And here the scripture shews us what the LORD thought a fit message to send a tyrant from himself ‡: A dagger of a cubit in his belly: And every worthy man, that desires to be an *Ehud*, a deliverer of his country, will strive to be the messenger.

We may here likewise observe in this, and many places of *Judges*, that when the *Israelites* fell into idolatry, which, of all sins, certainly is one of the greatest, GOD Almighty, to proportion the punishment and the offence, § still delivered them into the hands of tyrants, which sure is one of the greatest of all plagues.

In the story of *Sampson* it is manifest, that the denying him his wife, and after the burning her and her father ||, which, though they were great, yet, were but private injuries, he took for sufficient grounds to make war upon the

* *Vid. Et. Governador Christiano*, c. 8. p. 40. *Qual-qui era ciudadano me de repeter la fuerca*, &c.

† *Judges* c. iii. v. 11, 19, 20, 21.

‡ *Judg.* iii. v. 22.

§ *Judg.* xv.

|| *V.* 14.

the *Philistines*, being himself but a private man, and not only not assisted, but opposed * by his servile countrymen. He knew what the law of nature allowed him, where other laws have no place; and thought it a sufficient justification for smiting the *Philistines* hip and thigh, to answer for himself, that as they did unto him, so had he done unto them.

Now, that which was lawful for *Sampson* to do against many oppressors, why is it unlawful for us to do against one? Are our injuries less? Our friends and relations are daily murdered before our faces. Have we other ways for reparation? Let them be named, and I am silenced. But if we have none, the fire-brands, or the jaw-bone, the first weapons our just fury can lay hold on, may certainly be lawfully employed against that *uncircumcised Philistine* that oppresses us. We have too the opposition and discouragements that *Sampson* had, and therefore have the more need of his courage and resolution. As he † had the men of *Juda*, so we have the men of *Levi*, crying to us out of the pulpit, as from the top of the rock *Etam*, Know you not that the *Philistine* is a ruler over you? The truth is, they would fain make him so, and bind us with *Sampson* in new cords; but we hope they will become as flax, and that they will either loose from our hands, or we shall have the courage to cut them.

Upon the same grounds of retaliation did *Samuel* do justice, with his own hand, upon the

* *Ver.* 11.

† *Judges* xv. 14.

the tyrant *Agag*. *As thy sword* (says the prophet) *hath made women childless, so shall thy mother be childless amongst women* * ; nor is there any law more natural and more just.

How many mothers has our *Agag*, for his own ambition, made childless ? How many children fatherless ? How many have this reason to hew this *Amalekite* in pieces before the LORD ? And let his own relations, and all theirs that are confederates with him, beware, lest men come at last to revenge their own relations in them. They make many a woman husbandless, and many a father childless. Their wives may come at last to know what it is to want a husband, and themselves to lose their children. Let them remember what their great apostle *Machiavel* tells them †, that in contestations, for the preserving their liberty, people many times use moderation ; but when they come to vindicate it, their rigour exceeds all mean ; like beasts that have been long kept up, and are afterwards let loose, they always are more fierce and cruel.

To conclude with the example *Jehoiada* hath left us. Six years he hid the right heir of the ‡ crown in the house of the LORD, and, without all doubt, among the rest of GOD's services, there he was all that time contriving the destruction of the tyrant, that had aspired to the crown by the destruction of those that had the right to it §. *Jehoiada* had no pretence to authorise this action, but the

* 1 Sam. xv. 33.

‡ 2 Kings c. xi.

† In *Discor.*

§ 2 Chron. xxiii. 14.

the equity and justice of the act itself. He pretended no immediate command from GOD for what he did, nor any authority from the *Sanhedrim*, and therefore any man might have done what *Jehoiada* did, as lawfully, that could have done it as effectually, as he. Now, what citation was given to *Athaliah*? What appearance was she called to before any court of justice? Her fact was her trial, she was, without any expostulation, * taken forth of the ranges, and only let live till she got out of the temple, that that holy place might not be defiled by the blood of a tyrant, which was fitter to be shed on a dunghill; and so they slew her at the Horse-gate, and by the king's house, the very *Whitehall* where she had caused the blood-royal to be spilt, and which herself had so long unjustly possessed; there by providence did she receive her punishment, where she had acted so great a part of her crimes. How the people approved of this glorious action of destroying a tyrant, this chapter tells us at the last verse. *And all the people of the land rejoiced, and the city was quiet, after they had slain Athaliah with the sword* †. And that it may appear they no less honoured the authors of such actions, than other nations did; as in his lifetime they obeyed *Jehoiada* as a king, so after his death, for the good he had done in *Israel* (saith the scripture) they likewise buried him amongst the kings ‡.

I must not conclude this story, without observing, that *Jehoiada* commanded that whoever

* 2 Chron. xxiii. 21.

† Ibid. xiv. 21.

‡ Ibid. xxiv. 16.

foever followed *Athaliah* should be put to death *, letting us see what they deserve that are confederates with tyrants, and will side with them, and but appear to defend them, or allow them ; his Highness, his counsel, his junto, and the Agas of his Janizaries may, if they please, take notice of this, and repent, lest they likewise perish ; and likewise his Highness's chaplains and triers, who are to admit none into the ministry that will preach liberty with the Gospel, may, if they think fit, observe, that with the tyrant, fell *Mattan* the priest of *Baal*. And indeed none but *Baal's* priests will preach for tyrants. And certainly those priests, that sacrifice to our *Baal*, our idol of a magistrate, deserve as well to be hanged before their pulpits, as ever *Mattan* did to fall before his altars †.

I should think now I had said much more than enough to the second question, and should come to the third and last I proposed in my method ; but I meet with two objections lying in my way ; the first is, that these examples out of scripture are of men that are inspired of GOD, and therefore they had that call and authority for their actions, which we cannot pretend to, so that it would be unsafe for to draw their actions into examples, except we had likewise their justification to alledge.

The other objection is, that there being now no opposition made to the government of his Highness, that the people following their callings and trafficks at home and abroad, making

* *Mr Sindercombe's judge and jury may likewise consider of this point.*

† 2 Chron. xxiii. 17.

making use of the laws, and appealing to his Highness's courts of justice, that all this argues the people's *tacite* consent to the government, and that therefore now it is to be reputed lawful, and the people's obedience voluntary.

To the first I answer, with the learned *Milton*, that if GOD commanded these things, it is a sign they were lawful, and are commendable. But, *secondly*, as I observed in the relations of the examples themselves, neither *Sampson* nor *Samuel* alledged any other cause or reason for what they did, but retaliation, and the apparent justice of the actions themselves; nor had GOD appeared to *Moses* in the bush when he slew the *Egyptian*; nor did, *Jehoiada* alledge any prophetic authority, or other call, to do what he did, but that common call which all men have, to do all actions of justice that are within their power, when the ordinary course of justice ceases.

To the *second*, my answer is, that if commerce and pleadings were enough to argue the people's consent, and give tyranny the name of government, there was never yet any tyranny of many weeks standing in this world. Certainly we then extremely wrong *Caligula* and *Nero* in calling them tyrants, and they were rebels that conspired against them, except we will believe, that all the while they reigned in *Rome*, they kept their shops shut, and opened not their temples or their Courts. We are likewise with no less absurdity to imagine, that the whole eighteen years time, which *Israel* served *Eglon*, and six years that *Athaliah* reigned, that

F

the

the *Israelites* quite desisted from traffick, pleadings and all publick acts, otherwise *Ehud*, and *Jehoiada* were both traitors, the one for killing his king, the other his queen.

Having shewed what a tyrant is, his marks and practices, I can scarce persuade myself to say any thing to that I made my third question, whether the removing him is like to prove of advantage to the commonwealth or not? For methinks it is to enquire, whether it be better the man die, or the imposthume be lanced, or the gangrened limb be cut off? But yet there be some whose cowardice and avarice furnish them with some arguments to the contrary; and they would fain make the world believe, that to be base and degenerate is to be cautious and prudent; and what is in truth a servile fear, they falsely call a christian patience. It will not be therefore amiss to make appear that there is indeed the necessity, which we think there is, of saving the vineyard of the commonwealth, if possible, by destroying the wild boar that is broke into it. We have already shewed that it is lawful, and now we shall see whether it is expedient. *First*, I have already told you, that to be under a tyrant is not to be a commonwealth, but a great family, consisting of master and slaves. *Vir bone, servorum nulla est unquam civitas*, says an old poet, a number of slaves make not a city; so that whilst this monster lives we are not members of a commonwealth, but only his living tools and instruments, which he may employ to what use he pleases. *Servi tua est fortuna; ratio ad te nihil*, says another,
thy

thy condition is a slave's, thou art not to enquire a reason; nor must we think we can continue long in the condition of slaves, and not degenerate into the habits and temper that are natural to that condition: Our minds will grow low with our fortune, and by being accustomed to live like slaves, we shall become unfit to do any thing else. Etiam fera animalia, si clausa teneas, virtutis obliviscuntur, says *Tacitus* *, The fiercest creatures, by long constraint, lose their courage. And says, *Sir Francis Bacon*, the blessing of *Iffachar* and that of *Judah* falls not upon one people, to be asses crouching under burdens, and to have the spirit of lions. And with their courage it is no wonder if they lose their fortune, as the effect with the cause, and act as ignominiously abroad as they suffer at home. 'Tis *Machiavel's* † observation, that the Roman armies, that were always victorious under consuls, all the while they were under the slavery of Decemviri never prospered. And certainly people have reason to fight but faintly, where they are to gain the victory against themselves; when every success shall be a confirmation of their slavery, and a new link to their chain.

But we shall not only lose our courage, which is an useless and an unsafe virtue under a tyrant, but by degrees we shall, after the example of our master, all turn perfidious, deceitful, irreligious flatterers, and whatever

F 2

else

* *Hist. lib. 4.*† *Discor. lib. 1. c. 24*

else is villanous and infamous in mankind. See but to what degree we are come already: Can there any oath be found so fortified by all religious ties, which we easily find not a distinction to break, when either profit or danger perswades us to it? Do we remember any engagements, or, if we do, have we any shame to break them? Can any man think with patience upon what we have professed, when he sees what we wildly do, and tamely suffer! What have we of nobility amongst us but the name, the luxury and the vices of it? Poor wretches! these that now carry that title, are so far from having any of the virtues that should grace and indeed give them their titles, that they have not so much as the generous vices that attend greatness; they have lost all ambition and indignation *. As for our ministers, what have they, or indeed desire they, of their calling, but the tithes? How do these wicked prevaricators search for distinctions to piece contrary oaths? How do they rake scripture for flatteries, and impudently apply them to his monstrous Highness? What is the city but a great tame beast, that eats and carries, and cares not who rides it? What is the the thing called a parliament, but a mock, composed of a people that are only suffered to sit there, because they have no virtue, after the exclusion of all others that were but suspected to have any? What are they but pimps of tyranny, who are only employed to

* *Dr Locker, Dr Owen, Mr Jenkins, &c.*

to draw in the people to prostitute their liberty? What will not the army fight for? What will they not fight against? What are they but Janizaries, slaves themselves, and making all others so? What are the people in general but knaves, fools, and cowards, principled for ease, vice and slavery? This is our temper, this tyranny hath brought us to already; and, if it continues, the little virtue that is yet left to stock the nation must be totally extinguished †; and then his Highness hath compleated his work of reformation. And the truth is, until then his Highness cannot be secure. He must not endure virtue, for that will not endure him. He that will maintain tyranny, must kill *Brutus*, says *Machiavel*. A tyrant, says *Plato*‡, must dispatch all virtuous persons, or he cannot be safe; so that he is brought to that unhappy necessity, either to live among base and wicked persons, or not to live at all.

Nor must we expect any cure for our patience; *Inganno si gli huomini*, says, *Machiavel*, *credendo con la humilita vincere la superbia* §, men deceive themselves that think to mollify arrogancy with humility; a tyrant is never modest but when he is weak; it is in the winter of his fortune when this serpent bites not: We must not therefore suffer ourselves to be cozened with hopes of his amendment; for, *Nemo unquam* || *imperium flagitio quasitum bonis artibus exercuit*, never did any man manage the government with

† *Discor. lib. 3. c. 3.*

§ *Discor. lib. 2. c. 14.*

‡ *De Repub. lib. 8.*

|| *Tacit. Hist. lib. 1*

with justice, that got it by villany. The longer the tyrant lives, the more the tyrannical humour increases in him, says * *Plato*, like those beasts that grow more curst as they grow old. New occasions daily happen that necessitate them to new mischiefs ; and he must defend one villany with another.

But suppose the contrary of all this, and that his Highness were *vi dominationis conversus & mutatus*, changed to the better by great fortune, (of which he yet gives no symptoms) what, notwithstanding, could be more miserable, than to have no other security for our liberty, no other laws for our safety, than the will of a man, tho' the most just living ? We have all our beast within us ; and whosoever, says † *Aristotle*, is governed by a man without law, is governed by a man and by a beast. *Etiam si non sit molestus dominus, tamen est miserrimum posse si velit*, says ‡ *Tully*. Tho' a master does not tyrannize, yet it is a most miserable thing that it is in his power to do so if he will. If he be good, so was *Nero* for five years ; and how shall we be secure that he will not change ? Besides, the power that is allowed to a good man, we may be sure will be claimed and taken by an ill ; and therefore, it hath been the custom of good princes § to abridge their own power, it may be distrusting themselves, but certainly fearing their successors, to the chance of whose being virtuous they would not hazard the

* *De Repub. lib. 9.* † *Pol. lib. 3. c. 11.* ‡ *Cic. Phil. 4.* § *Lycurgus, Theopomp. Plut. in Lycurg.*

the welfare of their people. An unlimited power therefore is to be trusted to none, which, if it does not find a tyrant, commonly makes one; or if one uses it modestly, it is no argument that others will; and therefore *Augustus Caesar* must have no greater power given him than you would have *Tiberius* take. And * *Cicero's* moderation is to be trusted with a consideration, that there are others to be consuls as well as he.

But before I press this business farther, if it needs be any farther press'd, that we should endeavour to rescue the honour, the virtue and liberty of our nation, I shall answer to some few objections that have occurred to me. This I shall do very briefly.

Some I find of a strange opinion, that it were a generous and a noble action to kill his Highness in the field, but to do it privately they think it unlawful, but know not why; as if it were not generous to apprehend a thief until his sword were drawn, and he in a posture to defend himself and kill me. But these people do not consider, that whosoever is possessed of power any time, will be sure to engage so many, either in guilt or profit, or both, that to go about to throw him out by open force, will very much hazard the ruin of the commonwealth. A tyrant is a Devil that tears the body in the exorcising; and they are all of *Caligula's* temper, that if they could, they would have the whole frame of nature fall with † them.

It

* *Vid. Orat. Caesaris in Sallust. consp. Cat.*

† *Sueton. in vit. Calig.*

It is an opinion that deserves no other refutation, than the manifest absurdity of itself, that it should be lawful for me to destroy a tyrant with hazard, blood and confusion, but not without.

Another objection, and more common, is, the fear of what may succeed, if his Highness were removed. One would think the world were bewitched. I am fallen into a ditch, where I shall certainly perish if I ly, but I refuse to be helped out, for fear of falling into another ; I suffer a certain misery for fear of a contingent one, and let the disease kill me, because there is hazard in the cure. Is not this that ridiculous policy, *ne moriari, mori*, to die for fear of dying? Sure it is frenzy not to desire a change, when we are sure we cannot be worse. *Et non incurrere in pericula, ubi quiescenti paria metuuntur* *, and not then to hazard, when the danger and the mischiefs are the same in lying still.

Hitherto I have spoken in general to all *Englishmen* ; now I address my discourse particularly to those that certainly best deserve that name, ourselves that have fought, however unfortunately, for our liberties, under this tyrant, and in the end, cozened by his oaths and tears, have purchased nothing but our slavery with the price of our blood. To us particularly it belongs to bring this monster to justice, whom he hath made the instruments of his villany, and the sharers in the curse and detestation that is due to him from all good men: Others only have their liberty

to

* *Seneca.*

to vindicate, we our liberty and our honour. We engaged to the people with him, and to the people for him, and from our hands they may justly expect a satisfaction of punishment, being they cannot have that of performance. What the people at present endure, and posterity will suffer, will be all laid at our doors ; for only we, under GOD, have the power to pull down this *Dagon* which we have set up ; and if we do it not, all mankind will repute us approvers of all the villanies he hath done, and authors of all to come. Shall we, that would not endure a king attempting tyranny, shall we suffer a profest tyrant ? We that resisted the lion assailing us, shall we submit to the wolf tearing us * ? If there be no remedy to be found we have great reason to exclaim, *Utinam te potius [Carole] retinuissimus, quam hunc habuissimus ; non quod ulla sit optanda servitus, sed quod ex dignitate Domini minus turpis est conditio servi.* We wish we had rather endured thee, [*O Charles*] than have been condemned to this mean tyrant ; not that we desire any kind of slavery, but that the quality of the master something graces the condition of the slave.

But if we consider it rightly, what our duty, what our engagements, and our honour exact from us, both our safety and our interest oblige us to ; and it is as unanswerable in us, to discretion as it is to virtue, to let this viper live ; for, *first*, he knows very well, it is only we that have the power

G

to

* *Cic. in Epist. ad Octav.*

to hurt him, and therefore from us he will take any course to secure himself : He is conscious to himself, how falsely and perfidiously he hath dealt with us ; and therefore he will always fear that from our revenge, which he knows he hath so well deserved.

Lastly, he knows our principles, how directly contrary they are to that arbitrary power he must govern by ; and therefore he may reasonably suspect, that we, that have already ventured our lives against tyranny, will always have the will, when we have the opportunity, to do the same again.

These considerations will easily persuade him to secure himself of us, if we prevent him not, and secure ourselves of him. He reads in his Practice of Piety, *Chi diviene Patron, &c* *. He that makes himself master of a city, that hath been accustomed to liberty, if he destroys it not, he must expect to be destroyed by it. And we may read too in the same author, and believe him, that those who are the occasion that one becomes powerful, are always ruined by him, if they want the wit and courage to secure themselves †.

Now, as to our interest, we must never expect that he will ever trust those that he hath provoked and fears : He will be sure to keep us down, lest we should pluck down him. — It is the rule that tyrants observe when they are in power, never to make much use of those that helped them to it ; and indeed it is their interest and security not to do it ; for those that have been the authors of
their

* *Mach. Pr. c. 5.*

† *Ibid. 3.*

their greatness, being conscious of their own merit, they are bold with the tyrant, and less industrious to please him: They think all he can do for them is their due, and still they expect more; and when they fail in their expectations, (as it is impossible to satisfy them) their disappointments make them discontented, and their discontents dangerous. Therefore all tyrants follow the example of *Dionysius*, who was said to use his friends as he did his bottles; when he had use for them he kept them by him; when he had none, that they should not trouble him, and lie in his way, he hung them up.

But, to conclude this already over long paper, let every man, to whom GOD hath given the spirit of wisdom and courage, be persuaded by his honour, his safety, his own good and his country's, and indeed the duty he owes to his generation, and to mankind, to endeavour, by all rational means to free the world of this pest. Let not other nations have the occasion to think so meanly of us, as if we resolved to sit still and have our ears bored, or that any discouragements or disappointments can ever make us desist from attempting our liberty, till we have purchased it, either by this monster's death, or by our own. Our nation is not yet so barren of virtue, that we want noble examples to follow amongst ourselves. The brave *Sindercombe* hath shewed as great a mind as any old *Rome* could boast of; and, had he lived there, his name had been registred with *Brutus* and *Cato*, and he had had his statues as well as they.

But

But I will not have so sinister an opinion of ourselves, (as little generosity as slavery hath left us) as to think so great a virtue can want its monuments even amongst us. Certainly, in every virtuous mind there are statues reared to *Sindercombe*. Whenever we read the elogies of those that have died for their country; when we admire those great examples of magnanimity that have tired tyrants cruelties; when we extol their constancy, whom neither bribes nor terrors could make betray their friends; it is then we erect *Sindercombe* statues, and grave him monuments; where all that can be said of a great and noble mind, we justly make an Epitaph for him: and though the tyrant caused him to be smothered, lest the people should hinder an open murder, yet he will never be able either to smother his memory, or his own villany. His poison was but a poor and common device, to impose only on those that understood not tyrants practices, and are unacquainted (if any be) with his cruelties and falsehoods. He may therefore, if he please, take away the stake from *Sindercombe's* grave; and, if he have a mind it should be known how he died, let him send thither the pillows and feather-beds with which *Barkstead* and his hangman smothered him. But, to conclude, let not this monster think himself the more secure that he hath suppressed one great spirit *; he may be confident that *longus post illum sequitur ordo idem petentium decus*.

There

* *And what may Cicil and Toop expect for their treachery and perjury.*

There is a great roll behind, even of those that are in his own muster-rolls, and are ambitious of the name of the deliverers of their country ; and they know what the action is that will purchase it. His bed, his table, is not secure, and he stands in need of other guards to defend him against his own. Death and destruction pursues him wherever he goes ; they follow him every where, like his fellow-travellers, and at last they will come upon him like armed men *. Dark-ness is hid in his secret places, a fire not blown shall consume him ; it shall go ill with him in his tabernacle that is left †. He shall flee from the iron weapon, and a bow of steel shall strike him through ; because he hath oppressed and forsaken the poor ; because he hath violently taken away a house which he built not. We may be confident, and so may he, that ere long all this will be accomplished ; for the triumphing of the wicked is but short, and the joy of the hypocrite but for a moment. Though his excellency ‡ mount up to the heavens, and his head reaches unto the clouds, yet he shall perish for ever like his own dung. They that have seen him shall say, Where is he ?

* Job xx. 5. † Whitehall, Hampton-Court, &c.

‡ He hath now left that title for Highness, and will shortly leave that for King.

[illegible]

THE UNIVERSITY OF CHICAGO